

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIASiliconindia, Inc.,  
Plaintiff,

v.

CIO STORY LLC,  
Defendant.

Case No. 15-cv-01516 NC

**ORDER FOR ADDITIONAL  
INFORMATION RE: MOTION TO  
ENFORCE SETTLEMENT  
AGREEMENT**

Re: Dkt. No. 35

On June 17, 2015, defendant CIO Story LLC moved to enforce a settlement agreement that it alleges was signed by both parties and resolved the disputes in the present action, Case No. 15-cv-01516 NC. Plaintiff Siliconindia, Inc. opposes the motion. Dkt. No. 48. Siliconindia argues that no settlement occurred because (1) Siliconindia was not a party to the agreement and never engaged in any negotiations or settlement discussions; (2) the individual who signed the settlement agreement was not authorized to act on behalf of Siliconindia; and (3) the individual with authority to settle the case on behalf of Siliconindia was not involved in settlement negotiations and did not sign a settlement agreement. *Id.*

The parties have provided the Court with competing declarations, which present issues of fact for the Court to resolve. In these situations, “the district court may enforce only *complete* settlement agreements. Where material facts concerning the *existence* or *terms* of an agreement to settle are in dispute, the parties must be allowed an evidentiary

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1 hearing.” *Callie v. Near*, 829 F.2d 888, 890 (9th Cir. 1987) (internal citations omitted). In  
2 its reply brief, defendant recognizes the need for additional discovery and an evidentiary  
3 hearing to resolve the issues of fact. Dkt. No. 51 at 6. Defendant alternatively proffers  
4 that the parties may be able to reach a further settlement through mediation or a settlement  
5 conference. *Id.*

6 Thus, the Court VACATES the July 29, 2015, hearing date for the motion to  
7 enforce the settlement agreement. The Court ORDERS that the parties meet and confer  
8 about alternative dispute resolution, and a schedule for limited discovery and a hearing  
9 date. Defendant must submit a status update to the Court by July 17, 2015, to inform the  
10 Court whether:

- 11 (1) the parties agree to a method of alternative dispute resolution and request a  
12 referral, if necessary; or  
13 (2) defendant will pursue an evidentiary hearing on the motion to enforce the  
14 settlement. In this case, the parties must propose a schedule for limited  
15 discovery and an evidentiary hearing date.

16  
17 **IT IS SO ORDERED.**

18  
19 Dated: July 9, 2015

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21 NATHANAEL M. COUSINS  
22 United States Magistrate Judge  
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